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In re Application of
Christopher Keith :
Application No. 09/802,005 :
Filed: March 8, 2001 :
Attorney Docket No.: IVEN125474 :

ON PETITION

This is a decision on the petition filed October 10, 2006, to withdraw the holding of abandonment for the above-identified application. The petition is treated under 37 CFR 1.181

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on May 18, 2006, for failure to timely submit a timely response to the non-Final Office Action mailed February 17, 2006, which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed August 24, 2006.

Petitioner asserts that a response was filed and, in support, petitioner has submitted, *inter alia*, a copy of the response in the form of an amendment, a three month extension of time request and a copy of the cancelled check used for paying for the extension of time.

A search of the application file and the USPTO records reveals that in fact, an amendment was received on August 21, 2006 with a three month extension of time request and bears a certificate of mail dated August 17, 2006. Accordingly, the Notice of Abandonment mailed August 24, 2006 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter will be referred to Technology Center 3693 for appropriate action on the amendment filed August 21, 2006 (certificate of mail dated August 17, 2006), a copy of which was submitted upon petition.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions